

REMARKS

Claims 59-70 are pending herein. By this Amendment, Claims 2-10 and 32-58 are canceled, without prejudice or disclaimer; Claims 59-70 are amended.

Support for the new claims is found in the specification at, *inter alia*, paragraphs [0015], [0075]-[0100], and [0118]-[0123] and in the original claims. No new matter is added by this Amendment.

I. REJECTION UNDER 35 U.S.C. 102(b)

Claims 32, 35, 42, and 44 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 2,807,552 (Robinson).

Claims 32, 35, 42, and 44 are cancelled, thereby rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

II. REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 2-10, 32-40, 42-50, and 52 were rejected under 35 U.S.C. 103(a) as obvious over Hooker (1991) in view of U.S. Patent No. 2,306,570 (Scripture).

Claims 2-10, 32-40, 42-50 and 52 are cancelled, thereby rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested. Claims 41 and 51 were rejected under 35 U.S.C. 103(a) as obvious over Hooker (1991) in view of Scripture and further in view of U.S. Patent No. 4,904,709 (Hermele).

Claims 41 and 51 are cancelled, thereby rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

III. REJECTION UNDER 35 U.S.C. 103(a) OVER HOOKER IN VIEW OF SALTS

Claims 53-57 were rejected under 35 U.S.C. 103(a) as obvious over Hooker (1991) in view of U.S. Patent No. 3,799,716 (Salts). Claims 53-67 are cancelled; however, this rejection is respectfully traversed with respect to the pending claims.

Hooker discloses hand-application techniques to change the appearance of masonry in place. Hooker does not teach or suggest (1) applying a slurry to a masonry surface comprising a clay brick, wherein the slurry comprises an aqueous suspension of

water, clay, sand, flux, and no colorants or oxides, and (2) firing the slurry and the clay brick, thereby bonding the slurry to the clay brick.

Salts does not overcome the deficiencies of Hooker. Salts discloses a process for coating concrete bricks with exposed surfaces having sharply delineated portions of contrasting color and/or texture by periodically and regularly forming atomized particles of a viscous cementitious slurry and directing the same onto portions of surfaces of each of a plurality of green concrete bricks in groups (Abstract). Salts discloses:

The operation of the apparatus 22 provides a selective application of the slurry to limited portions of the concrete bricks in the array as 137 below the nozzle assembly 57 which results as shown in FIGS. 2, 4, and 6 in a partial fractional coverage of selected faces of the brick as faces 201 and 203 of brick with the slurry which is composed of small sized particles. The slurry so applied and located, on firing forms a relatively smooth surfaced strongly colored glazed zone with a sharply defined edge; the bright color and smooth texture of such glazed zone are accentuated by the immediately adjacent coarser and relatively duller or differently colored concrete surface.

(col. 18, lines 40-55, emphasis added). See FIGS. 13-14. Table III discloses that black, brown, red, yellow, orange and/or green oxides pigments may be used.

Salts does not teach or suggest applying a slurry to a masonry surface comprising a clay brick, wherein the slurry comprising an aqueous suspension of water, clay, sand, flux, and no colorants or oxides. Salts also does not teach or suggest selecting a flux level to prevent the slurry from glassing, as recited in Claim 59. Contrary to the assertion in the Office Action, the flux is not an "obvious formulation variation" but helps prevent the slurry from glassing as the slurry bonds to the surface of the clay brick. *See* paragraph [0082] and [0087] of the specification.

Further, Salts *teaches away* from applying a full and even coverage of slurry to external surfaces of a clay brick, as recited in Claim 68. Instead, Salts requires sharp delineations of differently textured or colored portions, as shown in FIGS. 12-14. Salts requires partial fractional coverage of selected brick faces.

Finally, Salts does not teach or suggest applying a slurry to a masonry surface comprising a clay brick, and spraying sand into the slurry as it de-waters, as recited in

Claims 66 and 69. This helps achieve the desired depth, reactivity and porosity. *See* paragraph [0079] of the instant specification.

Thus, it would not have been obvious to one of ordinary skill in the art to practice the claimed methods in view of the combined teachings of Hooker and Salts et al. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. CONCLUSION

Applicants respectfully submit that all of the claims of this application are patentable. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Warren Zitlau/

Warren A. Zitlau
Reg. No. 39,085

CAHN & SAMUELS, LLP
1100 17th St., NW, Ste. 401
Washington, D.C. 20036
Telephone: (202) 331-8777
Fax: (202) 331-3838

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